

EXHIBIT 1

In the Matter Of:
JEREMY BAILEY vs
CORRECTIONAL OFFICER JOHN DOE

JEREMY BAILEY

August 30, 2021

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY BAILEY, .
PLAINTIFF .
VS. . NO. 1:20-CV-1836
CORRECTIONAL OFFICER JOHN . JUDGE KANE
DOE I, CORRECTIONAL .
OFFICER JOHN DOE II, .
SERGEANT JOHN DOE I, AND .
LIEUTENANT YODER, .
DEFENDANTS .

VIRTUAL
DEPOSITION OF: JEREMY LIONEL BAILEY

TAKEN BY : DEFENDANTS

BEFORE : EMBERLIN MAIR, NOTARY PUBLIC

DATE : AUGUST 31, 2021; 9:30 A.M.

APPEARANCES:

BY: JEREMY LIONEL BAILEY, PRO SE

OFFICE OF ATTORNEY GENERAL
COMMONWEALTH OF PENNSYLVANIA

BY: MARY KATHERINE YARISH, ESQUIRE
STRAWBERRY SQUARE, 15TH FLOOR
HARRISBURG, PA 17120
717-783-1471

FOR - DEFENDANTS

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I N D E X
WITNESS

JEREMY LIONEL BAILEY

EXAMINATION

BY MS. YARISH

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STIPULATION

It is hereby stipulated by and between counsel for the respective parties that reading, signing, sealing, certification and filing are hereby waived; and all objections, except as to the form of the question, are reserved to the time of trial.

JEREMY LIONEL BAILEY, called as a witness, being duly sworn, testified as follows:

EXAMINATION

BY MS. YARISH:

Q Thank you, Mr. Bailey. Good morning.

A Good morning.

Q My name is Mary Katherine Yarish. I didn't formally introduce myself. I'm with the Office of Attorney General and I represent the Defendant Yoder in the civil action that you filed with the Middle District.

A Okay.

Q And to confirm, sir, can you hear and see me okay through the video conferencing system?

A Yes.

Q Great, great. As I said today prior to going

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1 on the record, our goal today is to take your deposition
2 in the civil case that you filed with the Middle
3 District. Just please know that I'm gathering
4 information about your complaint and your facts alleged.
5 I'm not trying to trick you, and I'm just trying to
6 understand the facts of your complaint. I'm hoping this
7 will be a conversation between yourself and myself to
8 talk about your claims and your complaint.

9 As you can see this deposition is being taken
10 via videoconferencing system for social distancing
11 purposes. And as I noted earlier, there will not be a
12 video recording of our conversation today. Only a
13 transcript that's being taken down by the court
14 reporter.

15 As such, it's important that both of us try
16 to speak slowly, clearly, and only speak one at a time,
17 that way we can make a clear record in this case. Does
18 that make sense?

19 A Okay.

20 Q Okay. Great. As we move on, I'll be asking
21 you a series of questions. Please answer each question
22 to the extent that you're able.

23 A Okay.

24 Q If you do not know or do not remember, it's
25 perfectly fine to indicate as such, and we'll move on.

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1 Okay?

2 A Okay.

3 Q Additionally, if you need a break, a short
4 break, please let me know. We'll be happy to
5 accommodate. I do ask, however, before we take any
6 break, that you just finish answering the question that
7 we're on, and then we'll take your break, and then we'll
8 continue the deposition. Okay?

9 A Okay.

10 Q Okay. All right. Before we get started, is
11 there any reason why you would not be able to provide
12 honest and truthful answers here today?

13 A No, I will provide all honest and truthful
14 information.

15 Q Thank you, sir. Mr. Bailey, for the record
16 would you please state your full name?

17 A Jeremy Lionel Bailey.

18 Q And, sir, have you ever been deposed before?

19 A No.

20 Q Okay. Sir, have you ever filed any other
21 civil lawsuit?

22 A No.

23 Q Mr. Bailey, where are you currently
24 incarcerated at?

25 A SCI Coal Township in Coal Township, PA.

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1 Q And how long have you been at Coal Township?

2 A Since 2019, and I don't remember the exact
3 month it, but it would be, like, June -- June or before
4 that month --

5 Q Okay.

6 A -- I came to SCI Coal Township.

7 Q And where were you prior to Coal Township?

8 A Smithfield, SCI Smithfield.

9 Q Okay. And currently, sir, are you housed in
10 general population or within the restricted housing
11 unit, or the RHU?

12 A No, no, in general population.

13 Q Okay. And what block are you housed on now?

14 A FB. Unit F, Pod B.

15 Q Okay. Now, in your complaint I see that
16 you're alleging events occurring on September 10th of
17 2019; is that correct?

18 A Yes.

19 Q And during this time, in September of 2019,
20 where were you housed, within the RHU or general
21 population?

22 A RHU.

23 Q And how long had you been in the RHU prior to
24 September 10th?

25 A From August 28th to September 20 -- or

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1 September 30th. I believe it was September 30th.

2 Q Okay.

3 A Yes, I believe it was September 30th. Yes,
4 September 30th.

5 Q And how did you end up in the RHU then, sir?

6 A For an altercation with another cellmate on
7 another unit in SCI Coal Township, unrelated.

8 Q And to the extent that you remember, what was
9 that inmate's name?

10 A Is that relevant?

11 Q I think so, sir. It's the events leading up
12 to how you --

13 A I don't remember.

14 Q -- became -- okay.

15 A I don't remember his real name.

16 Q Okay. Do you remember a nickname?

17 A No.

18 Q And this altercation happened in your cell,
19 you said?

20 A Yes.

21 Q And which cell was that, do you recall?

22 A Cell 33.

23 Q And what unit, sir?

24 A C Unit, Pod D.

25 Q And so this happened in or around the end of

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1 August?

2 A This happened on August 28th.

3 Q Okay. Did you have any injuries from that
4 altercation?

5 A No.

6 Q So there's no cuts, abrasions, swelling of
7 any sort?

8 A No.

9 Q Okay.

10 A Just his blood was on me.

11 Q I apologize, sir -- oh, your inmate's blood?

12 A His blood was on me, yes. He was bleeding,
13 his blood got on me. And I got sprayed by the officers,
14 so it kind of made my face swell up from the irritation,
15 from the pepper spray, it causes irritation. So it
16 causes your face to swell up, your skin to puff up. But
17 I had no injuries. I just had the inmate's blood on me,
18 on my face, from him leaning on me bleeding out of his
19 face, and that was it.

20 Q How did he end up bleeding?

21 A He hit his face on something in the cell.

22 Q While the altercation was ongoing between you
23 and him?

24 A Yes.

25 Q Now I would like to ask questions generally

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1 about your complaint.

2 A Okay.

3 Q And, now, as you stated, sir, the events
4 happened on September 10th, 2019 --

5 A Yes.

6 Q -- so I'd like us to just walk through that
7 day generally, and then I'll probably have some follow
8 up questions as we go back over the day.

9 A Okay.

10 Q So generally, first, would you briefly please
11 describe how you remember the events of September 10th,
12 2019?

13 A All right. Well, I have to start from the
14 beginning, and I have to give you all the information
15 that's for you to work with. Any -- in the RHU, going
16 to any facility that's SCI Coal -- an SCI facility, at
17 State Correctional Institutions you have bed sheets.
18 And on the bed sheets you have the status of the inmates
19 and where they're housed and what cells. And on them
20 bed sheets, on basic leave of status it have if the
21 inmates have a cellmate or if the inmate is Z Coded.

22 Now, if the inmate is Z Coded, it will have
23 next to that inmate's name Z Code, period, you can't
24 miss it, Z Code. The bed sheet sits on the counsel at
25 the desk. And no matter if it's a bubble where the

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1 control center is at, there's a bed sheet on there to
2 allow access to all doors that's on the units, and to
3 show the location of all the inmates.

4 Q Okay. Quick question for you before you go
5 on. Are you saying bed sheet, B-E-D?

6 A Yes.

7 Q Okay.

8 A B-E-D.

9 Q Thank you. And you said it sits on the desk,
10 which desk?

11 A The officer's desk.

12 Q Okay. Of the RHU?

13 A Of any unit.

14 Q Okay.

15 A Any unit throughout all SCI's facilities.

16 Q Okay. So in this case where was the RHU desk
17 in relation to where your cell was?

18 A It sits, it sits -- it's four pods, and it
19 sits -- it sits -- I don't know the -- I don't know the
20 whole, how you pronounce it, structure of the facility,
21 but it's Pod 1, Pod 2 -- Pod 1, Pod 2, Pod 3, Pod 4 and
22 the bubble sits on top of it. So they have windows
23 going around whereas they can see through all -- they
24 can see on all pods. But I've never been upstairs
25 inside the bubbles, remind you. But for a fact I know

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1 that all bed sheets is on the desk on the unit. It's a
2 map, which the facility provides for the facility. The
3 facility provides for the facility. All of these
4 facilities is currently built the same. There's no way
5 around it.

6 Q Okay. And so how do you have knowledge that
7 every facility is built the same way?

8 A From other officers. From being at other
9 facilities, the current facility I was at. That was
10 built just like this one. It's structured just the
11 same, the unit, the cells.

12 Q And by prior facility, are you meaning
13 Smithfield?

14 A No, Somerset. Somerset is built like this.
15 And a lot of other facilities is built like this.

16 Q Okay. Have you been to every state
17 correctional institution facility in Pennsylvania, sir?

18 A No, no.

19 Q Okay. So in this case was the desk within
20 the bubble?

21 A Yes.

22 Q Okay. And are inmates, do they have
23 access --

24 A That's where they keep --

25 Q -- to the inside of the bubble, sir?

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1 A No, not at all. Only the officers. Only the
2 officers.

3 **Q Are there windows to look into the bubble?**

4 A Yes, you can look in. It's mirror tinted,
5 but you can see through. You can still see through.
6 When officers move, you can see them moving. You can
7 see the lights on the desk. And you can currently see
8 how big the desk -- how high the control center. It's
9 almost the size of this table, but it goes almost like a
10 hexagon. It goes like that. (Indicating with hand.)

11 **Q Okay. Okay.**

12 A And they're able to control all the doors
13 that's down there in the RHU.

14 **Q Understood. So you said the window is a**
15 **mirrored window, so --**

16 A The window is like a hexagon. Oh, yes, the
17 window is, like, mirror tinted. But when the lights is
18 a certain -- certain, like, level they can control the
19 lights. When they go, like, dim, it causes like a
20 reaction to the mirror tint. And you can actually see
21 through the actual window. You can see the officers
22 moving around. And you can see the lights on the
23 control center.

24 **Q Okay. And at that time are you able to read**
25 **documents that are laying on the table or on the wall?**

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1 A No. But you can actually see them. You can
2 actually see the map. You can actually see stuff inside
3 the room, inside the bubble.

4 Q Okay. I understand. So you can see objects
5 within the bubble and people moving within the bubble?

6 A Yes, yes.

7 Q Okay.

8 A Yes.

9 Q Now, are you able to read those objects that
10 you see, documents on the walls or --

11 A No.

12 Q Okay. Okay.

13 A No.

14 Q And I apologize, you were describing the
15 bubble as part of the RHU and the description of the
16 events of the day. Do you recall about what time that
17 day you woke up, sir?

18 A I woke up for breakfast around, like, 6:00.

19 Q Okay.

20 A 6 o'clock, 6:00 something, 6:30.

21 Q And when did the events with Inmate
22 McCullough, M-C-C-U-L-L-O-U-G-H, when did those events
23 begin on the 10th of September?

24 A Before he moved in the cell. He was being
25 told to pack his belongings and that he was being moved

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1 to a two-man cell. And it was in the morning time. And
2 he was allowing officers to know that he was Z Code. He
3 was restricted from having any cellmate at all times,
4 and that he was in the RHU for stabbing another inmate.

5 Q Okay. And so to the extent that you know,
6 where was Inmate McCullough housed prior to being
7 transferred into your cell?

8 A He was in Cell 14. He was Cell 14 or Cell 13
9 on Pod 1.

10 Q 13 or 14 on Pod 1?

11 A Yes.

12 Q And now remind me --

13 A He was upstairs.

14 Q Okay. So his cell would have been in the
15 same block, just on a different tier --

16 A Yes.

17 Q -- than where yours was?

18 A Yes. So the pod is only, there's only 24
19 cells on a pod, so it's small. And you can kind of see
20 around the pod. You can hear very clear. And that's
21 pretty much it. You can hear and you can see around.
22 It's very small. It's not that large. It's about the
23 size of a two, three rooms. Two, three, like, rooms
24 like this. It's very small. The pod is very mall.

25 Q And remind me, what was your cell number in

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1 the RHU?

2 A 5.

3 Q Number 5 on Pod 1?

4 A Yes, yes.

5 Q And so, do you know the approximate time when
6 the officers came to Inmate McCullough's cell to tell
7 him to pack up and that he was moving?

8 A Not the exact time because I wasn't looking
9 for it. I wasn't looking for the exact time. I just
10 was up and I could hear the commotion. I could hear him
11 making threats. And I could hear the officers going
12 back and forth telling him that if he didn't pack his
13 belongings, he would be sprayed and cell extracted from
14 his cell. And he was telling the officers that he was Z
15 Code and that he wanted to speak to a sergeant and a
16 lieutenant. And the officers kept telling him that the
17 sergeant and lieutenant was aware of the incident and
18 that he still have to move.

19 Q Okay. So it's safe to say, did these events
20 happen before or after breakfast?

21 A After breakfast, after breakfast. Because
22 breakfast comes very early in the morning. After
23 breakfast.

24 Q Okay. And so you say that you were able to
25 hear these conversations.

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1 A Yes.

2 Q Now, were you able to see the individuals
3 involved in the conversation?

4 A I can't see Inmate McCullough because he's in
5 the cell. The officers on the unit, they're outside the
6 cells, and I could see when they went upstairs and they
7 was talking to him, I could see that part --

8 Q Okay. So when you --

9 A -- and bringing him downstairs.

10 Q Okay. I apologize, sir.

11 A Once they got him out of the cell, they
12 brought him downstairs.

13 Q Okay. I apologize, I did not mean to cut you
14 off. So when you're looking out your cell door, at what
15 direction were they in front of you?

16 A I'm in Cell 5. It starts from Cell 1. 1, 2,
17 3, 4, 5, and then there's a door right here that leads
18 to the yard. (Indicating.) Then it starts back up 6,
19 7, 8, 9, 10 all the way to 12. And then McCullough is
20 on this row upstairs, so he starts with 13, 14, 15 all
21 the way to about 18, I believe, 18, and then it goes to
22 24.

23 Q Okay.

24 A And then it goes from, like, a cell to 24.
25 And the showers is over there in the corners. He was

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1 right over top of me. And I can look up and see them
2 coming down the stairs towards the cell.

3 Q Okay. And, sir, for the purposes of the
4 record, I can see the diagram that you're drawing with
5 your hands and pointing.

6 A Yes.

7 Q And so for the record's clarity sake, this
8 other cell is on the top tier to your right; is that
9 correct?

10 A It's upstairs over top of Cell 5, but, yes,
11 to the right, like, as I'm facing forward.

12 Q Okay.

13 A As I'm facing this way, it's to the right.
14 If I'm facing that way, it's to the left of this arm.
15 (Indicating.)

16 Q Of course. Of course. So let's orient
17 yourself looking straight out of your cell door, what
18 direction?

19 A It would be -- it would be upstairs to the
20 right.

21 Q Okay.

22 A Upstairs. When they go upstairs, they have
23 to turn around and look to the other poles, and the door
24 be right there in front of -- in front of, like, the
25 steps.

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1 Q Okay.

2 A It's to the right of me, though.

3 Q So you've been in the RHU a couple days now
4 since your transfer into the unit. Did you recognize
5 any of those officers?

6 A I had just came to the facility. I didn't
7 know any of them officers before then. Any of them. I
8 had just came from the facility. I don't interact with
9 the officers anyway. I'm not a person who interacts
10 with the correctional officers. I try to stay out of
11 the correctional officers way, not interact with them,
12 and keep it like that. I went to the RHU for an
13 unrelated incident that didn't involve correctional
14 officers from August 28th to August 10th (sic) I never
15 knew any of the officers' names or anything.

16 Q So is the RHU generally loud environment or
17 is it a generally quiet environment?

18 A It depends. It's a small unit. If people
19 talking all at once, it can be loud. If nobody talking,
20 it's very quiet. There's no radio. There's no TV on
21 the unit. So it can be loud. It can be quiet. It
22 depends.

23 Q Okay. Do you recall on the 10th of September
24 whether it was loud or quiet?

25 A It was quiet until the incident.

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1 Q So for about how -- I apologize, sir, go
2 ahead.

3 A No, I was saying McCullough and them was the
4 only ones kind of interacting and talking, McCullough
5 and the officers --

6 Q Okay.

7 A -- was the ones interacting at the time
8 talking.

9 Q So all of your statements here within your
10 complaint about what occurred prior to Inmate McCullough
11 coming to your cell is based off of what you've alleged
12 to have heard that morning?

13 A I don't understand what you mean by that.

14 Q Okay. So within your complaint I see that
15 you, as you were just stating, that officers told, for
16 example, told Inmate McCullough that he was going to
17 have to pack up and move.

18 A Yes.

19 Q And he stated he had a Z Code and did not
20 want to move in with another inmate.

21 A Yes.

22 Q Those statements, sir, are based off of your
23 own firsthand knowledge of hearing them on the block?

24 A Yes.

25 Q Okay. No one had told you about what was

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1 **said?**

2 A No.

3 **Q Okay.**

4 A I can hear them talking. I can hear the
5 yelling. I can hear the orders. I can hear the
6 threats. I can clearly hear it. The unit is very
7 small. It echoes, the voices echo. Just like it's
8 quiet in here until I talk and you can hear me, it's
9 just like that. You can hear.

10 **Q Okay.**

11 A It echoes, the voice echos.

12 **Q And since you were able to hear, did you hear**
13 **any reasoning given as to why Inmate McCullough was**
14 **being told to move?**

15 A No.

16 **Q And you mentioned a couple times, sir, a Z**
17 **Code. Would you please briefly describe what a Z Code**
18 **is?**

19 A Do you want me to fax this to you?

20 **Q I'm sorry, sir, what documents are you**
21 **holding up?**

22 A This is basically the policies on Z Code.

23 **Q Are those policies of the DOC or the**
24 **Department of Corrections?**

25 A Yes.

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1 Q Okay.

2 A The DOC, Department of Corrections, yes.

3 Q Well, thank you. I'd ask for the moment that
4 we just answer questions and have a conversation based
5 off your recollection and your understanding, and then
6 later if you need to refer to any documents, you could
7 do so.

8 A Okay. So you wanted to know about Z Codes?

9 Q Yes, what do you understand a Z Code to mean?

10 A A Z Code says here is -- a Z Code, "An inmate
11 who is evaluated by psychiatrist or psychology staff as
12 having mental health problems. An example includes
13 following: Dangerous to himself, dangerous to others,
14 self-mutilated, unable to care for self, or active in
15 psychiatry reviews team PRT roster." "An inmate who may
16 be victimized as the result of double celling, multiple
17 celling, placement in dormitory, an inmate has a
18 document history of aggressive and predatory behavior
19 towards cell partners, or staff has reason to believe
20 would exhibit assaultive or predatory behavior towards
21 cell partners." "Make sure inmates of opposite gender,"
22 it says, "Ensure that inmates of opposite gender are not
23 celled together." Meaning other sex inmates, other sex
24 males, or LGBTQ. Do you understand?

25 Q Yes, I understand what you're saying, sir.

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1 Before you go on, sir, is there any identifying
2 information on that document as to what policy that
3 document attaches to?

4 A Reception Classification Procedures Manual
5 1121 Section 5. You hear me?

6 Q Yes, I did. I was just making a note. You
7 said 1121 Section 5?

8 A Yes.

9 Q Okay. Thank you. So aside from what the
10 policy says, you can refer to the policy, I can refer to
11 the policy, I'm just interested to see what your
12 understanding of the Z Code is in your own words.

13 A My understanding is exactly the same
14 understanding of the policy. I can't give you no
15 different than -- I can't really give you no different
16 than it's exact as the policy.

17 Q Understood.

18 A I'd be going around basically saying the same
19 thing as the policy saying if I give you anything else
20 of saying anything else.

21 Q Okay.

22 A I'd be saying the same thing as the policy.

23 Q Okay. And so you said that Inmate McCullough
24 said he had a Z Code, correct?

25 A Yes.

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1 Q Do you know approximately how long he had a Z
2 Code?

3 A No.

4 Q Do you know if Inmate McCullough still has a
5 Z Code?

6 A No, I haven't seen Inmate McCullough since
7 the incident.

8 Q Okay. Understood. Understood. And, sir,
9 have you had a Z Code before?

10 A I have a Z Code now because of the incident.

11 Q Okay. So --

12 A Because I was a victim in an incident I have
13 a Z Code now for my protection.

14 Q Understood. Understood. And so how do
15 inmates go about applying for a Z Code? Is that
16 something that you have to fill out a form for, or how
17 does that process work?

18 A I can read more to you if you want me to.

19 Q For example, how were you assigned a Z Code?

20 A How was I assigned a Z Code? Okay, after the
21 incident the officers was bringing another inmate to the
22 cell. And the unit erupted asking the officers why they
23 keep -- why they keep putting people in the cell with me
24 to attack me and things of that nature. And so the
25 officers got concerned and stopped the inmate from

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1 coming in the cell. They removed me from the single
2 cell. At that time I had a grievance in about the
3 incident with Inmate McCullough and the officers. So I
4 was placed from a two-man cell upstairs into a one-man
5 cell. And from there, when I was leaving the RHU, I
6 asked to go to psychology because I was scared for my
7 life and I felt suicidal at the time because of the
8 incident.

9 So I was in psychology, I was evaluated, and
10 I explained what happened to me. And I explained that I
11 felt suicidal, and I felt as though I would be forced to
12 protect myself for a reason that I don't even know why
13 that have nothing to do with me. So I was given the Z
14 Code temporarily. And after about two months to three
15 months I was evaluated again and it was determined that
16 it would be permanent.

17 Q I'd like to ask you a couple of follow up
18 questions about what you said. I know these questions
19 are personal, and I understand that, so if you need a
20 break at any time, please let me know. You said that --

21 A I'm all right.

22 Q Okay. Thank you for letting me know. You
23 said that you were scared for your life, and that you
24 were suicidal. Are those, were you scared for your life
25 from Inmate McCullough?

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1 A Yes, I'm still scared that they might put him
2 back in the cell with me to attack me again.

3 Q Okay. Do you know if Inmate McCullough is
4 still at the facility?

5 A No, I haven't seen Inmate McCullough since
6 the incident.

7 Q That's right you did say that. Okay. And
8 then you said that you had suicidal thoughts.

9 A Yes.

10 Q Have you had those prior to this incident?

11 A Prior?

12 Q Correct.

13 A Have I ever had suicidal thoughts before?

14 Q Correct, sir.

15 A For different incidents, yes. I had a
16 different situation that came over me that made me feel
17 like I wanted to not be here no more, yes, but unrelated
18 to this incident.

19 Q Understood.

20 A It don't have anything to do with this
21 incident.

22 Q Okay. Now I would like to jump back in time
23 in the day's events here. In your complaint I see that
24 you state that Inmate McCullough requested the presence
25 of a sergeant John Doe who isn't named --

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1 A Yes.

2 Q -- and a Lieutenant Yoder --

3 A Yes.

4 Q -- a defendant that we --

5 A Yes, yes.

6 Q How do you -- so I'm assuming that you know
7 he requested these individuals because you heard the
8 request yourself; is that correct?

9 A Say that again.

10 Q I'm wondering how you knew that Inmate
11 McCullough requested the presence of these two
12 individuals. Was it because you heard it yourself?

13 A Yes, when he was talking on the unit -- as he
14 was talking while he was in his cell, he was requesting
15 them. Before they got to the cell, he was requesting
16 them. And as he was in his cell, as he was still
17 continuing to threaten me, and threatening to harm me in
18 front of these officers, he was requesting them
19 continuously. I was requesting them because I didn't
20 want to get attacked. I didn't want to get into any
21 trouble. I didn't want to be forced to protect myself.
22 Which I wasn't even allowed to protect myself because I
23 woke up on the floor tied up.

24 Q I understand. So was Lieutenant Yoder
25 present when Inmate McCullough was placed in your cell?

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1 A As he was in the cell? At that very moment,
2 no, he wasn't. As he was in his cell -- when Inmate
3 McCullough was in 14 cell in the cell upstairs, he
4 wasn't on the unit at the time. But after he was placed
5 in his cell, he was in the unit, and he was continuing
6 to verbally allow him to know that he was a Z Code and
7 that if he didn't get out of the cell, he was going to
8 attack me. He was going to do all types of things to
9 me. And he told him to get off the door, he told me to
10 get off the door. He said he didn't basically care.

11 Q Okay. And so, just so we have a clear record
12 I want to walk through that piece by pice. So when
13 Inmate McCullough was still upstairs in his original
14 cell, Lieutenant Yoder was not on the unit, correct?

15 A Not at that very moment.

16 Q Okay. Now, correctional officers who aren't
17 named move Inmate McCullough and place him into the cell
18 with you. Was Lieutenant Yoder present at that point in
19 time?

20 A He came to the unit. Yes, he was. He came
21 to the unit, he came on the unit. We both was trying to
22 get his attention, get him to get Inmate McCullough out
23 of the cell, and he said no.

24 Q Okay.

25 A Inmate McCullough told him that he will harm

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1 me, and he didn't -- he still didn't move.

2 Q Okay. So at that point was --

3 A Told him he was a Z Code.

4 Q -- at that point was Lieutenant Yoder part of
5 the team moving Inmate McCullough, or was he doing
6 another duty somewhere else on the unit?

7 A He wasn't a part of the very movement at that
8 moment. He came to the unit for another unrelated
9 incident with another inmate. And during that time we
10 both allowed him to know that Inmate McCullough was a Z
11 Code and that Inmate McCullough was threatening me if he
12 didn't get removed from the cell.

13 Q I understand. So is Lieutenant Yoder the
14 commanding officer for that unit?

15 A Yes, he's a lieutenant supervisor.

16 Q Okay.

17 A He's over the sergeant. He's the sergeant
18 supervisor of the sergeant.

19 Q Okay. And you said that you were -- and that
20 you and Inmate McCullough were telling him about the
21 situation, the Z Code, and the threats that Inmate
22 McCullough made. At this time are you in your cell or
23 are you outside of your cell?

24 A I was in a cell. Inside the cell.

25 Q Was Inmate McCullough within the cell?

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1 A Yes, he was inside the cell with me.

2 Q Okay. And was the cell door open or closed?

3 A Closed. The cell door was closed and locked.

4 Q Okay. And were there other officers that had
5 moved Inmate McCullough to your cell, were they still at
6 your cell door?

7 A They was on the unit.

8 Q Okay. So they were on the unit, but not
9 directly outside of your door?

10 A Yes, they was on the unit two doors away.
11 Two doors away.

12 Q Okay. And approximately how far away was
13 Lieutenant Yoder when you were telling him about the Z
14 Code and about the threats?

15 A I would have to stand up and make footage, so
16 would I --

17 Q I don't know if you're allowed to move. I'm
18 not sure --

19 A Yes, it's okay.

20 Q -- of the facility's rules, and I don't want
21 to ask you to do something that would put you in an
22 uncomfortable position. So just how many cells or how
23 many doors away or cell doors away or something like
24 that.

25 A So he was in between two cell doors. You got

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1 one cell door, you got two cell doors, he was in between
2 them.

3 Q Okay.

4 A He was at Cell 7, I was in Cell 5.

5 Q Cell 5.

6 A So he was walking back and forth, coming
7 around, walking back and forth. He was in front of the
8 cell basically.

9 Q Was he doing his security rounds of the unit?

10 A No, he was on the unit for unrelated
11 incident.

12 Q Did he ever stop at your cell door and talk
13 to you at your cell door?

14 A He was talking to Inmate McCullough, yes.

15 Q Okay.

16 A He came over to the door and we both told him
17 that Inmate McCullough was a Z Code and didn't belong in
18 the cell, and Inmate McCullough was telling him he was
19 going to harm me if he didn't get out of the cell.

20 Q And do you know what approximate time this
21 conversation occurred?

22 A No, I can't remember the exact time. I
23 wasn't looking at the time, so I can't remember the
24 exact time. I'd be trying to estimate if I did.

25 Q Perfectly fine. Thank you for indicating as

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1 such. So how many, approximately how many times did you
2 speak with Lieutenant Yoder about the Z Code and about
3 the threats made by Inmate McCullough?

4 A Just that time. The one time that he came to
5 the unit.

6 Q Okay.

7 A I believe so that was the only time.

8 Q Okay. Understood. I also see here that you
9 also spoke to the sergeant on the unit.

10 A Yes.

11 Q How many times did you speak to the sergeant
12 about the Z Code and about the threats?

13 A I don't know. It was probably about one or
14 two times with both of them. I'm not sure.

15 Q Okay.

16 A I'm not sure. He was on the unit at the same
17 time. They was both on the unit at that time.

18 Q I understand.

19 A The sergeant was on the unit at that time,
20 Lieutenant Yoder was on the unit at that time regarding
21 an unrelated incident with another inmate --

22 Q Okay.

23 A -- as they always do, they was spraying in
24 somebody else's cell. They was --

25 Q Okay. I'm sorry, sir, go ahead. I didn't

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1 mean to cut you off.

2 A They was all on the unit at the same time
3 spraying pepper spay in somebody else's cell. So before
4 they began to spray pepper spray in a person's cell, we
5 was both trying to allow them to know he wasn't supposed
6 to be the cell. And then McCullough was at the same
7 time threatening to harm me. And I was at the same time
8 allowing them to know that he was threatening me.

9 Q So this other incident involving pepper spray
10 of another inmate in another cell, was that ongoing at
11 the same time that you were trying to get Lieutenant
12 Yoder's attention?

13 A It wasn't active at the time. He had just
14 came on the unit. We had stopped him right then and
15 there. He talked to us. He said no and he not moving
16 him. Inmate McCullough was going to stay in the cell
17 with me. And then he went over to the incident that was
18 taking place with another inmate. And then with that
19 inmate, they began spraying that inmate in the other
20 cell.

21 Q Okay. And so earlier you --

22 A And he left off the unit.

23 Q Okay. And so earlier you said it's a small
24 unit and you can hear everything that's going on --

25 A Yes.

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1 Q -- so what's this other altercation going on
2 a couple doors down requiring, it sounds -- was it, what
3 did you call it, pepper spray? What was going on down
4 there?

5 A Yes. I think it was some, a guy named Eric
6 Johnson. Eric Johnson, he was using the bathroom, I
7 believe, and he had put some paper on his window, and
8 they rushed on the unit. I don't know the exact reason
9 they sprayed him, but pepper spray got used.

10 Q Okay.

11 A They used pepper spray on him.

12 Q So was he extracted from his cell?

13 A After he was sprayed.

14 Q Okay. So now I'd like to get back more to
15 the events --

16 A Yes.

17 Q -- involving you, sir. Okay. I'm going to
18 jump back. It's going to be jump back and forth here.

19 A Yes.

20 Q Do you know the approximate time that Inmate
21 McCullough was placed into your cell?

22 A It was in the morning time. I don't know the
23 exact time.

24 Q Okay. Great, great.

25 A It was in the morning time.

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1 Q And so, do you know, and, again, I understand
2 you may not remember times or didn't look at the clock,
3 et cetera, do you know approximately how long Inmate
4 McCullough was in the cell before you were knocked
5 unconscious?

6 A From that morning time to about 2:30. So if
7 I'm making approximate times, I'd say from about
8 9 o'clock a.m. to about 2:30 p.m. where I was discovered
9 from another officer named Houser who found me on the
10 floor tied up while Inmate McCullough was threatening to
11 continue harming me. My arms was tied behind my back,
12 my legs was tied together.

13 Q Okay. So, first off, which bunk were you
14 occupying in the cell, the top or the bottom?

15 A I was on the bottom bunk.

16 Q Okay. And I see here in your complaint that
17 you state that Inmate McCullough said "do not move from
18 your bunk or I will hurt you;" is that correct?

19 A Yes, yes.

20 Q How many times did he tell you this threat?

21 A That was about the only time.

22 Q Okay.

23 A He was frustrated with them not moving him
24 out of the cell. And I was moving around the cell
25 trying to help him get out of the cell because I didn't

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1 want to fight him. I didn't want to get into no
2 altercation. I didn't want to stay in the RHU. You get
3 into a fight, you stay down there, and you're just stuck
4 in this RHU.

5 **Q Understood. So then you say that you were**
6 **attacked and knocked unconscious.**

7 A Yes.

8 **Q Do you know how you were knocked unconscious?**

9 A Yes, when I was going to use the bathroom, I
10 used the bathroom to urinate. When I was going back to
11 lay on the bunk, I just got hit right here behind my ear
12 and everything went blank.

13 **Q Okay.**

14 A I woke up. I believe -- I know I hit my back
15 on a stool because I was under the table, so I hit my
16 back on the stool. And I just missed the other stool,
17 my head, this side of my head (indicating) just missed
18 the other stool. So if I may have hit the other stool,
19 my face probably be a worse situation than what it is
20 now. I probably wouldn't be here.

21 **Q Okay. I understand what you're saying, sir.**
22 **And for the record purposes, I saw you touching behind**
23 **which ear were you hit, sir?**

24 A Right here, my left ear.

25 **Q Okay. In front of your ear or behind your**

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1 ear?

2 A Behind my ear. I had a knot behind my ear.
3 Behind my left ear I had a knot.

4 Q Okay. Do you know with -- were you hit with
5 an object? Or do you have any recollection or knowledge
6 of what you might have been hit with?

7 A When I was going to the toilet, I didn't see
8 nothing in his hand, so.

9 Q Okay.

10 A And we get searched down there, so there's no
11 weapons as far as, like, metal or a combination locks,
12 there's none of that down there, so it have to be his
13 fist.

14 Q Okay.

15 A It had to be a closed fist.

16 Q And when you got up to use the bathroom, do
17 you recall where Inmate McCullough was in the cell?

18 A At the door. It's on camera. If you get the
19 camera footage, you'll be able to review the camera's
20 footage and see him hitting me and knocking me down and
21 possibly tying up too while he in the cell.

22 Q Which camera, sir?

23 A The unit camera. There's a handheld camera.
24 There's a handheld camera recorder that they came to the
25 cell with recording me while I was on the floor tied up

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1 around 2:30.

2 Q Okay.

3 A 2:15/2:30.

4 Q Is there -- now, you said you could view the
5 camera footage and see him tying you up. Is there a
6 camera within your cell within the RHU?

7 A No, it's not inside the cell. Outside the
8 unit on the ceiling, but the unit is so small that
9 there's about two to three cameras. So the unit is so
10 small that they can actually see inside the cells.

11 Q And to your knowledge --

12 A And where my cell was at --

13 Q Oh, go ahead.

14 A -- where my cell was at, where the cell I was
15 housed at, the camera would be right here on the
16 ceiling. So it would be able to face down and look
17 inside the cell and see where, if I go towards the
18 toilet, it would see that I'm going towards the toilet.
19 And if I'm about to walk back towards the bunk, it will
20 see I'm about to walk back towards the bunk.

21 Q And so have you reviewed camera footage
22 related to this incident?

23 A Yes, I've been inside -- I've been inside the
24 security room before.

25 Q And have you seen this footage that was

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1 **filmed that you say from the outside of your cell**
2 **looking into your cell?**

3 A No, I didn't see him attacking me on the
4 footage. I know how the camera system works in the
5 facilities, though.

6 Q **Okay.**

7 A By me being inside the security room and
8 being questioned about some stuff, I know how they
9 operate with the camera. And they're able to move it
10 around. It moves around. It can watch other units. It
11 can zoom in. It can hear you. It can do all of the
12 stuff it want to do. It's up-to-date technology.

13 Q **Understood. So with your Cell Number 5 in**
14 **this unit, would you describe to me what the door to**
15 **your cell looks like, sir?**

16 A What the door? Well, the doors have two
17 windows, two long windows, have two long windows, and
18 it's a sliding door.

19 Q **How large are those windows?**

20 A About a yard.

21 Q **About a yard?**

22 A Yes, 36 inches about.

23 Q **And about 36 inches, is that wide?**

24 A No, in length.

25 Q **Okay.**

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1 A About the width -- about 6 inches, about 6 to
2 8 inches, and 6 to 8 inches width and 36 inches long.
3 About a yard long, 6 to 8 inches width.

4 Q Okay. So the windows are pretty skinny then?

5 A Yes.

6 Q Okay.

7 A There's two. There should be two windows.

8 Q Yes, you said there's two windows.

9 A Yes.

10 Q So I'd like to go back to the events here.
11 So you get up to use the restroom, and you use the
12 restroom and on the way back to the bunk is when you're
13 struck behind your left ear, correct?

14 A Yes.

15 Q Do you have any recollection of how you ended
16 up on the ground, or I'm trying to figure out -- at what
17 point is the last thing you remember?

18 A After using the toilet. After using the
19 toilet and I'm about to go back to the bunk.

20 Q Okay.

21 A I just see flash, like a flash. Like a
22 flash -- like a flash and then darkness and then just
23 blank and I woke up. And it took me about a week to
24 even remember because I was suffering from a concussion.

25 Q So you don't recall going to the ground at

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1 all?

2 A I don't understand what you mean.

3 Q Of course.

4 A I got knocked unconscious, I fell, hit my
5 back, and when I woke up I was on the floor tied up.

6 Q And do you recall how, when you woke up, how
7 did you find yourself tied up?

8 A My arms was tied behind my back. I was under
9 the -- under the -- like, halfway under the table and,
10 like, under the bunk a little bit, and my arms was tied
11 up behind my back, and my legs were tied together.

12 Q Okay. You say that your arms were tied
13 behind your back. At what point of your arms were you
14 tied together?

15 A At what point?

16 Q What part of your arm was tied together with
17 the other arm?

18 A My wrist was tied and this wrist was tied,
19 they was behind my back like handcuffs.

20 Q Okay.

21 A Like handcuffs would be going when you're
22 handcuffed behind your back or handcuffs on your wrists,
23 like that.

24 Q Okay.

25 A But it was sheet, it was rope. It was tied

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1 like that.

2 Q That was my next question. What were your
3 hands tied together with?

4 A Rope, sheet --

5 Q Rope?

6 A -- sheet, bedsheet.

7 Q So by rope you mean part of a bedsheet?

8 A Yes.

9 Q And so then at what -- where on your legs
10 were your legs tied together?

11 A At my ankle.

12 Q Okay. And what material was used to tie
13 those together?

14 A Sheet, bedsheet.

15 Q Okay. Now, did you have any cuts on your
16 wrists from the restraint?

17 A Just like whips, like wheps. What they call
18 it? Like irritation. Just irritation --

19 Q Okay. Were you --

20 A -- like, from it being on my arms and tight.

21 Q Was there any on open wounds or any bleeding
22 at all?

23 A On my wrists?

24 Q Correct.

25 A No.

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1 Q Were there any abrasions on your ankles from
2 the restraints there?

3 A No.

4 Q Was there any swelling at all?

5 A Just like from the tightness and when you
6 take it off, just like handcuffs, just the marks and,
7 like, the irritation of it.

8 Q So there was no blood or any open wounds
9 then?

10 A No.

11 Q About how long did the marks on your ankles
12 take to go away?

13 A I didn't pay it any attention. I never
14 counted the days or the time or the hours to see how
15 long it would take to go away.

16 Q Okay.

17 A I still was dealing with even just being
18 attacked period. To this day I'm still dealing with
19 that.

20 Q I see. Okay. And so, likewise, you didn't
21 recognize how long the welts took to leave your wrists?

22 A I never tried to keep time with it. I never
23 try to count the days or the hours or the minutes to see
24 how long it would go away.

25 Q And did those welts on your wrists and

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1 ankles, did they bruise at all?

2 A I don't understand.

3 Q Like a discoloration, like a purple or
4 yellowish bruise?

5 A There wasn't, no.

6 Q Okay.

7 A It wasn't that bad, no, to say it was like --
8 like a skin infection or something like that?

9 Q A bruise, I mean, like say you hit your knee
10 off of a table and your knee bruises, you don't have any
11 cuts or opening of the skin --

12 A Like to cut circulation off or something like
13 that?

14 Q I'm not sure, but that's all right. We're
15 just having a miscommunication. So just some minor
16 welts that you said you had, but you don't know how long
17 they lasted?

18 A Yeah, yeah.

19 Q So now that you've woken up and found
20 yourself tied up on the floor of your cell, I see in
21 your complaint that you said that you started calling
22 for help.

23 A Yes.

24 Q What officer was the first officer to arrive
25 at your cell?

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1 A CO Houser.

2 Q And to your knowledge, how is Houser spelled?

3 A H-O-U-S-E-R.

4 Q Great. Thank you for your help. And so when
5 he arrives at your cell, did he immediately open the
6 cell door?

7 A No.

8 Q I apologize for that question. Let's ask it
9 differently. After he found you tied up, what was his
10 first action that you remember?

11 A He was asking McCullough what he was doing,
12 what did he do? What he was doing? What was going on?
13 And he called over for his supervisor. He called over
14 for Lieutenant Passarelli and a sergeant and other
15 officers. He radioed to them, and Lieutenant Passarelli
16 radioed for the handheld camera. And when they brought
17 the handheld camera, they was telling Inmate McCullough
18 to not attack me again and to put the handcuffs on, to
19 allow them to put the handcuffs on him. And for about
20 five minutes they was doing that. And then Inmate, when
21 they threatened to spray inside the cell, Inmate
22 McCullough put the handcuffs on.

23 And they came inside, they took him out of
24 the cell. They came inside the cell and they cut the
25 rope off of my arms and my legs, and I had to go to

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1 medical. Well, to the medical triage and see the nurse.

2 Q So then we have Officer Houser and Sergeant
3 Passarelli present.

4 A Lieutenant Passarelli.

5 Q Oh, excuse me, Lieutenant Passarelli. Was
6 anyone else present, any other officers?

7 A There was, yes, there was other officers. I
8 don't know their names.

9 Q That's okay. So were there several other
10 officers?

11 A Yeah.

12 Q Okay.

13 A The one that was holding the camera. Then
14 there was, like, two other ones that cut the rope off my
15 arms and leg. And there's about five or six of them.

16 Q Okay. And so were you able to stand up on
17 your own after they removed the restraints?

18 A Yes, I was able to stand up.

19 Q Okay. And so were you able to walk to the
20 medical triage room or did you have to be --

21 A Somewhat.

22 Q -- put in a wheelchair or something of that
23 nature?

24 A I was able to walk somewhat.

25 Q Okay. Do you have any recollection once you

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1 were in the medical triage room what time of day it
2 might have been?

3 A About 2:30, 2:40, around that time, 2:40.
4 Almost close to 3 o'clock, around that time.

5 Q Okay.

6 A If I'm making approximate times.

7 Q All right.

8 A It was after -- it was during the next shift.
9 It was on the next shift. It was on second shift. 2:00
10 to 10:00, is that correct, 2:00 to 10:00 shift?

11 Q Okay. I'd like to go back a couple minutes
12 here to when you're still in the cell. You said that
13 they called, or excuse me, Lieutenant Passarelli called
14 for the handheld camera.

15 A Yes.

16 Q Do you recall where that individual was
17 standing with the camera in the cell?

18 A He wasn't in the cell he was outside the
19 cell. It was a correctional officer. He was outside
20 the cell and he was holding the camera in his hand
21 pointing it inside the cell, pointing it towards the
22 cell. And he was taking footage of the incident taking
23 place.

24 Q And at this time --

25 A They should still have -- they still should

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1 have the footage. You can get a warrant for to see the
2 footage.

3 Q Okay. Thank you. At this time was Inmate
4 McCullough being aggressive or continually --

5 A Yes.

6 Q -- attacking you at this time?

7 A Yes. He was ready to come attack me again
8 until they opened up the slot and was ready to spray him
9 he was ready to come and attack me again. As Lieutenant
10 Houser walked -- came towards -- as he discovered me, he
11 discovered him hitting me. He discovered him hitting me
12 as I was coming back into conscious he was still hitting
13 me. That should all be on camera. That's why I'm
14 asking you to review the camera. You all see it because
15 you can see inside the cell.

16 He, when I come back into conscious, he kind
17 of, he may have knocked me back into conscious because I
18 woke up and I felt him hitting me and he was on top of
19 me and he was still swinging punches on me while I'm on
20 the floor. And when he went to the door, CO Houser was
21 like what have you done? And he told him that he was a
22 Z Code, and they called over other officers. It's all
23 on footage.

24 Q I understand what you're saying. And I
25 understand that, you know, you say I can review the

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1 footage. I'm just wanting to see what you remember of
2 the events of the day and how --

3 A It was two years ago, so it's like I remember
4 it because it's something that I can't forget, but
5 little parts of it is not going to always stick --

6 Q Understood.

7 A -- like, just little itty bitty parts of it
8 not going to always stick. Just the major parts of it
9 is what I remember how I was attacked and stuff like
10 that --

11 Q I understand.

12 A -- and everything that happened.

13 Q So here you said that as you were coming back
14 into consciousness and you were tied on the floor,
15 Inmate McCullough was continually hitting you?

16 A Yeah, he hit me, like, three more times.

17 Q Approximately three more times?

18 A Yeah.

19 Q And how, excuse me, where on your body did he
20 hit you?

21 A On the side of my head. Back here like on
22 the side and like in the back. I was trying to, like,
23 move my face whereas he couldn't get a clear, like, on
24 my eye or something. So, like, the back of my head and
25 on the side.

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1 Q And what did he hit you with, sir?

2 A His fist.

3 Q So it was a closed fist that he used?

4 A Yes.

5 Q And so you woke up, he hit you three more
6 times.

7 A Yes, as I was waking up.

8 Q At what point did Officer Houser appear at
9 the door, while those hits were going on?

10 A Yeah, like at that very moment. Like at that
11 very moment.

12 Q And do you recall if Officer Houser gave any
13 orders to cease hitting you?

14 A I can't remember exactly what was being said.
15 I just remember him calling over for back up, and them
16 coming on the unit with the spray and the camera, and
17 them telling me to hold on that they're about to get in
18 there.

19 Q Okay. And do you recall how many bursts of
20 pepper spray they had to deploy?

21 A They never sprayed.

22 Q They just said they were going to if he did
23 not comply to be handcuffed?

24 A Yes, yeah.

25 Q So after that, or after communicating that

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1 they would use pepper spray, Inmate McCullough allowed
2 himself to be handcuffed?

3 A Yeah.

4 Q Okay.

5 A Well, after he was, yeah, after he was still
6 threatening -- and after he was still threatening kind
7 of coming towards me, threatening to kick me or
8 something, threatening to kill me, saying he's going to
9 f'in kill me, and they better do something, yeah, they
10 got him out of the cell.

11 Q Okay.

12 A It took about five minutes to get him out.

13 Q Five minutes, you said?

14 A Yeah, it took about five minutes for them to
15 get him out.

16 Q Okay. And do you recall if Inmate McCullough
17 was handcuffed and removed from the cell before or after
18 Lieutenant Passarelli arrived?

19 A All the officers was there.

20 Q Okay.

21 A Lieutenant Passarelli and his colleagues was
22 there. Lieutenant Passarelli is the supervisor, and
23 then you have the sergeant, and you have the
24 correctional officers. And altogether it was about six
25 including the lieutenant and the sergeant. So it was

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1 all about, like, six of them. One had the camera, one
2 had the spray. Lieutenant Passarelli was making
3 directions. And then it's just about six of them
4 altogether.

5 Q Okay. So then you were taken to medical and
6 you said that you received medical attention from a
7 nurse, correct?

8 A I was at -- I was wanting to receive medical
9 attention. It was inadequate medical attention.

10 Q Were you seen by a psychologist --

11 A They were just trying to cover it up. Huh?

12 Q I'll start with what you said, sir. What do
13 you mean by she was trying to cover it up?

14 A She was trying to cover it up. She knew what
15 was going on and she was trying to cover it up like it
16 never happened or something. She was trying to say I
17 didn't have no injuries. Trying to say that it never
18 really happened. I was showing them my injuries. She
19 was telling the officers not to take pictures of my
20 injuries.

21 Q Were any pictures taken, sir?

22 A Yes, but when I tried to get them to take a
23 picture of my ear, she was telling them, like, no, don't
24 take a picture of it. That if they didn't want to get
25 in trouble, don't take a picture of it.

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1 Q You said she was telling "them." Who was
2 them?

3 A Lieutenant Passarelli and the other officers.

4 Q Was Lieutenant Yoder there?

5 A No, he already left. They left on the first
6 shift. He from 6:00 to 2:00.

7 Q Okay.

8 A He was on 6:00 to 2:00 shift.

9 Q Okay. So anything --

10 A I'm not sure if he did a -- I'm not sure he
11 may have, he could have did a double and went to another
12 unit and been the supervisor for another unit at that
13 time. I'm not sure. But he wasn't in the RHU at that
14 time. I didn't see him. In the RHU area, when I came
15 out of the triage area, I didn't see him in the
16 hallways. When I went back to the unit, I didn't see
17 him in the unit. I didn't see any of the officers that
18 was on first shift around at that time. They wasn't
19 around at that time.

20 Q Did you see any psychologists at that time?

21 A Afterwards.

22 Q Okay. And what --

23 A They came to the unit.

24 Q Was it on September 10th, later that day?

25 A Not that I recall, no.

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1 Q Okay.

2 A Not that I recall.

3 Q So after you were seen in the medical triage
4 room, where did you go after that period of time?

5 A I went back to the -- they took me back to
6 the cell.

7 Q Cell Number 5 in the RHU, sir?

8 A Yes.

9 Q Okay.

10 A Yes.

11 Q And then here in your complaint I see that
12 you were sent -- you say that you were sent to the
13 psychiatric observation cell or the POC cell; is that
14 correct?

15 A Yes, yes.

16 Q When did you go to POC?

17 A Around September 30th.

18 Q Okay. So --

19 A September 31st or September 30th.

20 Q Okay. So that's some time after the events
21 of the 10th. Okay.

22 A Yes.

23 Q How long were you in POC then?

24 A For four days.

25 Q And do you recall if you requested to go to

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1 POC or did you receive orders to go there?

2 A No, I received orders to go there. I didn't
3 request.

4 Q Do you recall which professional gave you
5 those orders?

6 A No, I didn't. I don't remember their name.
7 I was just talking to the psych at the time. On
8 September 30th I was talking to the psych and he, after
9 talking to him, he made orders for me to be placed in a
10 POC for my own safety and others.

11 Q Okay. And when you say for your own safety
12 from others, what others, individuals?

13 A For my own safety so I don't kill myself.

14 Q So there were no other threats from other
15 inmates an you at that time?

16 A No, not at that very moment.

17 Q Okay. And did you have, when you went back
18 to your cell in the RHU on September 10th, did you have
19 another cellmate at that time?

20 A No, no.

21 Q Did you have a cellmate --

22 A I didn't have a --

23 Q I'm sorry, sir, go ahead.

24 A That was the last cellmate that I had. Well,
25 he wasn't even my cellmate. McCullough wasn't even my

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1 cellmate because he wasn't supposed to be in the cell.
2 But that was the last person that was in the cell with
3 me since the incident.

4 Q Okay. And to make sure I understand, you
5 didn't have another inmate in your cell from
6 September 10th until you went to POC, correct?

7 A Yes. Until this day.

8 Q Okay. I understand. So generally are you
9 aware of the inmate grievance procedures with DOC?

10 A Yes, yes.

11 Q How many levels of review are there within
12 the inmate grievance system?

13 A Three.

14 Q And what's the first level of review?

15 A To Kelly, Patricia Kelly, the one that was
16 just here, she's the first. And then you have the
17 facility manager, who is the second. And then you have
18 central office, who is the third.

19 Q Okay. And did you file a grievance related
20 with the matter here of the events of September 10th,
21 sir?

22 A Huh?

23 Q Did you file a grievance connected to the
24 events of September 10th, sir?

25 A Yes.

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1 Q And I know it was some time ago, and I would
2 like you to answer these questions based off of your
3 recollection, as I'm sure you have copies of the
4 grievance documents yourself. Do you recall what
5 details you grieved within the grievance form?

6 A Yes.

7 Q Okay. Great. And what events did you
8 include in that grievance to the extent that you
9 remember?

10 A I put that a Z Code inmate was placed in my
11 cell who didn't belong and I was attacked and I wasn't
12 protected.

13 Q Okay.

14 A And that was on the first one. And on the
15 second one I went a little bit more into detail about
16 how I was knocked unconscious and tied up, woke up tied
17 up on the floor.

18 Q Okay. And by first one and second one --

19 A And then the third --

20 Q -- oh, and the third, are these separate
21 grievances --

22 A Yes.

23 Q -- or just the appeals?

24 A They are the first, second, and third.

25 Q Okay. I apologize, sir, go ahead. You were

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1 going to say something about the third one.

2 A Yes.

3 Q So did you receive a first level review
4 decision?

5 A Yes.

6 Q And did you appeal that decision?

7 A Yes.

8 Q Okay. Why did you decide to appeal the
9 decision?

10 A Because I have to go to -- I have to go to
11 the higher ups. I have to go to the facility manager
12 next, and then I have to go to central office next.

13 Q Okay.

14 A That's how the procedure works. When you
15 write a grievance, you got to go all the way up to --
16 you have to exhaust your grievance. You have to go all
17 the way to the last level. That's how the grievance
18 works, first, second, and third.

19 Q I understand. So when you made the decision
20 to appeal that first level of review, the initial
21 review, did you disagree with the decision of that
22 initial review?

23 A Yes.

24 Q Okay.

25 A It was -- it was the facility staff admitting

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1 to the incident taking place, but being -- being as
2 naive and ignorant to it as if they didn't care much
3 about it.

4 Q So then you appealed to the facility manager.
5 Did you receive a decision, sir?

6 A Yes.

7 Q And then you also decided to also appeal that
8 decision, correct?

9 A Yes.

10 Q And do you recall why you made that decision
11 to appeal to central office?

12 A Yes.

13 Q And what was it?

14 A Because he was doing the same thing, allowing
15 them to do dirty work. They do a lot of dirty stuff.
16 And he was acting as if he didn't care. He was trying
17 to make it seem like as if it happened, but it didn't
18 happen. He was trying to cover it up. That's all he
19 was doing. He was trying to cover it up.

20 Q And how was he trying -- how does he try to
21 cover it up?

22 A To say, like, certain things didn't happen.
23 To say that I didn't have no injuries. Just like when I
24 told you that the nurse tried to say that. She tried to
25 tell the officers not to take the pictures of my

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1 injuries. He was trying to say that I didn't have no
2 injuries, when I did from the incident. He was trying
3 to cover it all up in the paperwork. And I believe that
4 they actually might have put on the medical paperwork
5 that I didn't have no injuries. So I wouldn't be
6 surprised if she did that. But if I get put under some
7 type of X-ray and MRI scan, you can probably see the
8 injuries still on my back --

9 Q Okay.

10 A -- from me hitting the stool.

11 Q And I think that's a good segue. I would
12 like to talk with you about the injuries that you have
13 here, sir. So would you please walk me through what
14 injuries did you receive? And I know you talked about
15 your back was hurt from hitting the stool, but please
16 include all injuries, and we'll walk through them
17 together. All right, sir?

18 A Well, when I was knocked down, before I fell
19 to the ground, I hit the -- my back hit the stool. And
20 when I woke up and felt all the pain, I noticed it
21 because there wasn't anything else in the cell that can
22 cause that pain. If a person is going to cause harm to
23 you, he's not going to cause harm to you on a certain
24 part of your body, like, kicking you -- like breaking
25 your toe or something like that, so he don't know to hit

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1 me directly on the tailbone and cause an injury on my
2 back. He's going to, if he wants to attack me, he's
3 going to attack me where I go unconscious if I hit me in
4 the head or hit me in the mouth or hit me in the eye or
5 hit me in the nose. He's not going to grab my finger
6 and pull my finger until I say ouch.

7 So I know the injury came from the stool,
8 because the way I was positioned, I was under the table,
9 and I was halfway under the table where the stool is at
10 and nearly under the bunk. So I was, like, sideways
11 like that. My back, my foot, all of that was under the
12 table, and my head was like halfway under the stool and
13 under the bunk, and between the bunk -- and between the
14 bunk and between the stool.

15 Q Okay. I understand what you're saying, sir.
16 And for the purposes of the record, would you be able to
17 describe what part of your back you believe hit the
18 stool as you fell as you were knocked unconscious?

19 A My tailbone.

20 Q Your tailbone?

21 A This part of my back. (Indicating on low
22 back.)

23 Q So your lower back/tailbone area of your
24 back?

25 A Yes, yes.

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1 Q Okay. Now, sir, did you have any sort of
2 X-ray or MRI of your back after this incident?

3 A Just an X-ray, not an MRI.

4 Q Do you recall when you had an X-ray done?

5 A No. It was about last year at sometime, or
6 this year -- last year and this year.

7 Q Okay. So you had two X-rays?

8 A Yeah, it was like an inadequate miscellaneous
9 one. It wasn't an accurate one whereas they're really
10 looking for something. They just took a picture of
11 my -- they took a picture of my spinal cord just to show
12 the skeleton. And then they took a picture of the
13 muscle, of my nerves, looking for -- they wasn't looking
14 for -- they wasn't trying to look for an injury.
15 Whereas I can get it fixed if I go to a hospital I would
16 be able to find the injury, and then the injury will
17 actually pop up because I still have the injury. I
18 can't even put my shoe on for real because I got
19 permanent damage now from them refusing me medical care
20 here.

21 Q Okay. And you said that you cannot put your
22 shoe on.

23 A I'm having a hard time. I have a hard time
24 putting my shoe on.

25 Q Okay. So is that -- when does the pain

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1 occur? I'm assuming, so is that when you bend over?

2 A Yes, exactly.

3 Q Okay.

4 A I'm surprised you even know that.

5 Q I guess I'll just leave it to life experience
6 of falling and hurting your back, but I digress. Okay.
7 So is there any other time of the day when your back
8 pain becomes more apparent other than when you bend over
9 to put your shoes on?

10 A If I try to lay directly on my back, and I'm
11 not on a cushioned surface, I will feel it in my
12 tailbone. It will really hurt bad. Like, I will
13 instantly roll over. I won't be able to lay like that
14 for about a couple seconds. Like, be a couple seconds
15 and I instantly move because it starts shooting up. It
16 starts shooting up to, like, my brain or something.
17 Like, it just...

18 Q So it feel like a shooting pain?

19 A Sharp pains.

20 Q Sharp pain?

21 A Yes.

22 Q And is that the same pain you will experience
23 when you bend over to put your shoes on, sir?

24 A Yeah, like a sensitive sharp pain.

25 Q And did you -- have you been prescribed any

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1 **pain medication for this pain?**

2 A It was some type of medication they try to
3 give me, but it was during the pandemic and the
4 medication they give me, it said that it, it lowers the
5 risk for -- the exact words it said was it prevents me
6 from -- it prevents my body from fighting off
7 infections. So I don't even know what type of
8 medication it was, but it was supposed to be for some
9 type of pain. But it said that it stopped my body from
10 fighting off, like, sickness and infections that I might
11 catch, like, if I catch an infection. It said it stops
12 it from -- it stops it from fighting off them type of
13 things, and it was during the pandemic, so I didn't take
14 it.

15 Q **Okay. How many times were you prescribed**
16 **that medication, was it just that one time?**

17 A Just one time, yeah.

18 Q **Have you requested pain medication since that**
19 **time?**

20 A Yeah, I requested, not exactly pain
21 medication, but I requested to go to a hospital and to
22 be -- and see what's wrong with me. See what's wrong
23 with my back. I might even -- I don't even try to put
24 any more request slips in because they just don't even
25 answer them. I got a sick call slip in now that I've

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1 been putting in for the last three days, and because of
2 this situation where I filed the 1983, there's a lot of
3 retaliation going on. So I get refused medical care. I
4 get refused a lot of stuff.

5 Q And you just said you filed a Section 1983
6 claim. Is that our current lawsuit that we're talking
7 about today?

8 A Yes, yes.

9 Q Okay. And back to this medication and
10 treatment conversation we're having. Have you taken,
11 like, over-the-counter pain medication, like Tylenol or
12 ibuprofen?

13 A No.

14 Q Okay. Have you requested such from --

15 A I did receive -- sorry. I did receive
16 ibuprofen that was -- that was just one time I was
17 given.

18 Q And how often do you take ibuprofen?

19 A I received one time, and it came in a packet
20 form where you can pop them out. The pop out ones. The
21 pop out ones. And that was it. That was just one time.
22 One time.

23 Q So you received ibuprofen one time. Have you
24 requested it since that time?

25 A Yes, I requested it after I have ran out and

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1 they told me, wrote me back saying that it was only for
2 that one time and that was it. And if I wanted more,
3 that I needed to request more from a doctor from putting
4 in another sick call. I didn't have the funds to even
5 afford to put in another sick call slip which is \$5, so.

6 Q Okay. And you say that you continue to have
7 the back pain even to the current day, correct?

8 A Yes.

9 Q Have you ever experienced having back pain
10 prior to September 10th, 2019?

11 A No.

12 Q Any back injuries at all?

13 A Nope.

14 Q Okay.

15 A Just the injuries to my leg.

16 Q And how did those occur, sir? Were they in
17 connection with this event on September 10th?

18 A No. No, that came from working out, hitting
19 my leg.

20 Q Okay. All right. So we've talked about your
21 back pain injury. Are there any other injuries
22 resulting from the events of September 10th?

23 A My ear, my back. And I had, like, inside my
24 lip, I had like abrasions. Like, my tooth scraped up
25 against my lip a little bit but it didn't cause it to

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1 bleed. It was just, like, red and almost, like, that
2 was it. Like, a little swelling on the lip.

3 Q Okay.

4 A That was it.

5 Q And you mentioned that you had an ear injury?

6 A Yeah, behind my ear.

7 Q Behind your left ear, correct?

8 A Yes.

9 Q And did you lose hearing at all?

10 A No.

11 Q Okay. So would you describe the ear injury
12 to me?

13 A Well, behind my ear. It wasn't my actual
14 ear. Behind my ear.

15 Q Okay. Yes, please.

16 A It was a hickey, like, on the side of my ear
17 right here. (Indicating.)

18 Q I apologize. I didn't hear what you said?

19 A It was a hickey on, like, the side of my ear.
20 Like, not the actual ear, not this part (indicating on
21 ear), not the actual ear. Just, like, a part of my
22 skull, but, like, that bone right there.

23 Q Okay.

24 A Behind the ear.

25 Q Okay. And so how long did that last behind

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1 your left ear?

2 A How long did it, like, when did the swelling
3 go down?

4 Q Yes, yes.

5 A I'm not even sure. I didn't keep track of
6 it. It was probably about a week or two probably. I
7 don't know. I didn't keep track of it.

8 Q That's okay. Do you have any pain currently
9 in that area of your head?

10 A No.

11 Q Okay.

12 A No.

13 Q Okay. So we've talked about your back pain,
14 the area behind you left ear, and your lip injury as
15 well. Any other injuries, sir?

16 A No.

17 Q I see in your complaint that you said that
18 you have also been injured via mental anguish; is that
19 correct?

20 A Yes.

21 Q Okay. So would you please describe your
22 mental anguish injuries to me, please?

23 A I have real bad anxiety. I have real bad
24 anxiety, like, bad. I don't trust people in a room with
25 me. I don't like to be in a room with locked doors and

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1 people. I get real nervous. And my heart start racing,
2 and I can't -- I don't understand what I get nervous
3 from. My heart start racing. I feel like sometimes,
4 like, when that happens and I get nervous like that, it
5 be so much that I almost use the bathroom on myself.

6 Q Okay. And -- I'm sorry, go ahead, sir.

7 A I have a lot of, like, trouble sleeping,
8 waking up, trying to see if something is on my arms and
9 stuff. Trying to move and seeing if I can move. When I
10 go to sleep, I don't go to sleep until real late from
11 this stuff. I have trouble sleeping. If I had a choice
12 in the making, I'd keep a light on in the cell so that
13 way I'd be able to see around instead when I'm in there.
14 Things like that just cause more mental damage.

15 Q Thank you. Now, have you experienced anxiety
16 prior to these events in September 10th of 2019?

17 A Not on this type of level.

18 Q Okay. And have you gone and seen a
19 psychologist or a psychiatrist about your mental health
20 at all since September 10th, 2019?

21 A Yeah, yeah. But before, like, I just had a
22 bunch, like, ADHD and, like, depression. But this had
23 added on something severe. This has caused a lot of
24 damage.

25 Q Okay.

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1 A I don't know how I will, like, try to get
2 over it. Get the thoughts of people trying to kill me
3 and stuff like that, and I really think that's the
4 problem. Like, I don't know if this dude, he, I kind of
5 worry he might try to do something to me when I go home.
6 So I want to make the notice on that that if something
7 happen to me, I want him to be investigated, too, when I
8 go home.

9 Q So when you go home, what do you mean by
10 that? Back to your cell today?

11 A No, I'm saying back to my family. I don't
12 know if he got access to the computers, he can find out
13 where I live at, he can try to do something to me.

14 Q So when you're saying when you're released
15 from incarceration, you're worried about your safety
16 from Defendant Yoder?

17 A Yeah, yeah.

18 Q And why are you apprehensive about Defendant
19 Yoder hurting you after you leave incarceration?

20 A Because he did this. He did that. He did it
21 on purpose. Whatever reason why he moved -- whatever
22 reason why he moved Inmate McCullough in there. He told
23 him he was going to attack me, he basically laughed at
24 him and told us to fight and stuff. And he been coming
25 on the unit and stuff starring at me, threatening me

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1 with eyes, starring me down, giving my the threat --
2 giving my the eye look that he want to kill me and
3 stuff.

4 Q Okay. So you've touched on a couple things,
5 and I want to go over them and ask you some follow up
6 questions. How do you know that Defendant Yoder was the
7 individual who made the order to move McCullough into
8 your cell?

9 A Because without the orders from the
10 supervisors, no moves get done. The correctional
11 officers don't make these moves, the supervisor caused
12 the moves. They're the ones that run the unit. The
13 correctional officers just follow the orders. But when
14 threats is made, they need to act accordingly and do
15 their job. Just like the same situation that happened
16 in George Floyd. He had other officers who could have
17 stopped the situation. Instead they sat there and they
18 aided and abetted in the situation, which caused them to
19 get prison time, too, I believe.

20 Q So in this case you have no documented
21 evidence that Defendant Yoder was the one who made the
22 order. It's, your point of view is based on your
23 understanding of how the prison operates?

24 A No, it was from actually talking to him.
25 When we asked him to remove from the cell, he said, no,

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1 that's the way it's going to be.

2 Q Did he indicate in that conversation that he
3 was the individual who gave the order?

4 A He insinuated it.

5 Q So he insinuated it. How did he insinuate
6 it?

7 A He said, like, no, you not going nowhere.
8 That's where you're going. You're going to say there.
9 He basically said he don't care about the threats. When
10 he said he's going to kill me, he do nothing about it.
11 And he said he's basically not moving him still. He's
12 the supervisor.

13 Q Okay. Did he say he did not care about the
14 threats that you reported?

15 A Not exactly.

16 Q Okay. So he did not say "I do not care"?

17 A He said he was aware -- he said he was aware
18 and that he wasn't being moved. He said I'm aware. He
19 said are you going to get me out of this cell, a
20 different cell? I'm going to kill him. I'm not
21 playing. He said I'm aware. You're not going nowhere.
22 You're staying right there. He told us to get off the
23 door. He said get away from the cell door. And then
24 they went over there and started spraying the other dude
25 in the cell.

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1 Q And they responded to another situation?

2 A Yep.

3 Q Okay. So I want to go back to your comments
4 that you think that Defendant Yoder would hurt you
5 outside of the facility.

6 A Yeah.

7 Q Has Defendant Yoder made any threats to you
8 and your safety?

9 A He's been coming to the unit he's been
10 threatening me with his eyes.

11 Q So you say he comes to the unit.

12 A Yeah.

13 Q Your current unit, sir?

14 A Yes, the unit I'm on right now.

15 Q Okay. And remind me, I know you told me,
16 which unit are you on at Coal Township?

17 A FB.

18 Q FB?

19 A F Unit, Pod B.

20 Q And is Defendant Yoder an employee of the
21 Department of Corrections?

22 A Yes.

23 Q So is he employed within SCI Coal Township?

24 A Yes.

25 Q Okay. And to the extent that you know, what

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1 is Defendant Yoder's position?

2 A He's a lieutenant.

3 Q Okay. So do lieutenants, is it normal for
4 lieutenants to work on housing units?

5 A I've seen some work on units.

6 Q Okay.

7 A I've seen some work on units.

8 Q And is it --

9 A I'm not sure --

10 Q Sorry, go ahead, sir.

11 A I was saying I just seen some work on units.

12 Q Okay. And is it common, even if an officer
13 doesn't work on a unit, they may respond to a unit as
14 well or visit a unit?

15 A Yeah, he do like rounds walking from unit to
16 unit. And for some odd reason he for these last couple
17 weeks he been coming to the unit back to back while,
18 like, I'm on the phone or something, and he just stares
19 at me and won't look away, just stares at me with this
20 hatred look, and that's a threat.

21 Q And how do you know that he's intending to
22 give you a hated look?

23 A Because he won't look away and he directly
24 stares at me. Stares me in my face directly.

25 Q Isn't it correctional officer's jobs to look

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1 at each individual inmate as part of their duties?

2 A Yeah, but something like that is, like,
3 predatory. That is, like, a behavior that can be
4 exactly described as something is wrong with the person.
5 When somebody just practically stares at you with this
6 mean look, and his look says that he wants to cause harm
7 to me.

8 Q Do you have this type of interaction with
9 other officers as well?

10 A Not at all. I don't get them type of looks
11 from no other officer. Except ones that have harassed
12 me and have sexually assaulted me since being here.

13 Q Do you receive these looks from other
14 inmates?

15 A No.

16 Q And how often do these looks occur on the
17 daily?

18 A When he comes to the unit.

19 Q So approximately how many times --

20 A Whenever he comes to the unit. He came to
21 the unit, I can't remember exact day he came. I went to
22 the commissary. He came to the unit. I can't remember
23 the exact dates. But he on camera coming to the units.
24 He on the camera. He on the facility camera. He on the
25 unit camera. You can see him outside. You can see him

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1 inside the unit.

2 Q Have you made any requests to preserve video?

3 A No, because I get denied. Whenever I do, I
4 get denied. He works as -- he's in the union.

5 Q He works on what unit, I apologize?

6 A I said he's in the union, so all these Coal
7 workers, they all work together.

8 Q I'm not understanding, sir. So you're
9 alleging that Defendant Yoder is part of a union --

10 A Yes, the correctional state --

11 Q -- and so why -- because he's on the union,
12 why can't you --

13 A Department of Corrections --

14 Q Because he's on the union --

15 A They don't --

16 Q Excuse me. Because he's on the union, why
17 cannot you ask to preserve video?

18 A Because I get denied. I get denied.
19 Whenever I request, I get denied. I can still. I can
20 write them and see if she says something. I can write
21 to request preserved cameras, but I'm pretty sure I will
22 be denied and it will be called frivolous. I've put
23 complaints in about the searches that I have with
24 certain correctional officers who rub on me. They use a
25 pat search to rub on me and feel my body parts. I put

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1 complaints in on that, and the same thing, nothing
2 happen. It was a correctional officer who was working
3 here that was in a town raping other woman. These
4 people was very, very, very corrupted and I want to say
5 bad people. They do a lot of things that you do not
6 know, like Ted Bundy type of things. Like, the B2K type
7 of things. Hide in plain sight. I'm a person that
8 sticks out like a sore thumb. I can admit the wrong I
9 did. People like him hide in plain sight. Work here
10 and then rape woman in the town. And they come back to
11 work and talk to the person's wife like they never did
12 it. Talk to the person's husband like they never did
13 it.

14 Q Okay. Are you saying -- are you making
15 allegations here that Defendant Yoder is involved in
16 this behavior?

17 A I'm not saying him for certain, but I
18 wouldn't put it past him. I don't put it past any of
19 these people after seeing some of the things and doing
20 some of the things they've done.

21 Q Have you filed any grievances regarding your
22 concerns about your requests being not responded to?

23 A No, not on actual grievance coordinator.

24 Q Okay.

25 A I never wrote a grievance on a grievance

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1 coordinator. Not that I know of I haven't wrote a
2 grievance on a grievance coordinator.

3 Q Understood. Would you just briefly describe
4 the relief that you're hoping to seek with this
5 litigation?

6 A Excuse me?

7 Q Yes, would you briefly describe the relief
8 that you're seeking with this case? What do you hope to
9 get out of this case?

10 A The complaint is exact. It says in the
11 complaint if you read over it.

12 Q Yes, I've read it several times, thank you.
13 I see you have several documents in front of you, sir,
14 that you've flipped through a couple times today.

15 A Yes.

16 Q What documents do you have with you today?

17 A Oh, they was documents for that I received
18 from -- as you is attorney, correct?

19 Q Yes, I'm one of the attorneys working on this
20 case, yes.

21 A I had sent some production of documents and
22 didn't receive any, and this is the interrogatories
23 that, the first set of interrogatories that I sent out.
24 And in the interrogatories I requested some documents,
25 which you refused and told me that -- and made claim

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1 that he don't have access from them, when he do. And he
2 basically refused to get the documents.

3 Q And how do you know what documents a,
4 Defendant Yoder has access to?

5 A How do I know?

6 Q Correct.

7 A He's a correctional officer.

8 Q Yes --

9 A He's a correctional officer.

10 Q So how do you know that a correctional
11 officer would have access to certain types of documents?
12 Have you worked as a correctional officer in the
13 Pennsylvania Department of Corrections before?

14 A No, but he works in a facility. He works in
15 a facility and he got access as long as he works in the
16 facility.

17 Q Okay. But you yourself have never worked
18 within that position and don't know --

19 A No.

20 Q -- the capabilities of that position,
21 correct?

22 A No, no. Did you receive my production of
23 documents requesting them?

24 Q Yes, sir, we have responded to your requests
25 to date.

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1 A I haven't received anything.

2 Q We have mailed those responses to you, and
3 you should be receiving them. As soon as we put them in
4 the mail, I don't know what happens after that. I just
5 know that we've mailed them. So they are on their way
6 to you. Okay? All right. Let me review my notes here,
7 sir. I want to make sure I don't have any other
8 questions for you today.

9 Okay. Thank you, sir. I have no other
10 questions. This deposition has concluded. Thank you
11 for your time and attention.

12 A Okay.

13 MS. YARISH: Have a good day, sir.

14 A You too.

15 (The deposition was concluded at 11:27 a.m.)
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1 COMMONWEALTH OF PENNSYLVANIA)
2) SS
3 COUNTY OF YORK

4 I, Emberlin Mair, Registered Professional
5 Reporter and Notary Public in and for the Commonwealth
6 of Pennsylvania and County of York, do hereby certify
7 that the foregoing deposition was taken before me at
8 the time and place hereinbefore set forth, and that it
9 is the testimony of:

10 JEREMY LIONEL BAILEY

11 I further certify that said witness was by me
12 duly sworn to testify the whole and complete truth in
13 said cause; that the testimony then given was reported
14 by me stenographically, and subsequently transcribed
15 under my direction and supervision; and that the
16 foregoing is a full, true and correct transcript of my
17 original shorthand notes.

18 I further certify that I am not counsel for or
19 related to any of the parties to the foregoing cause,
20 or employed by them or their attorneys, and am not
21 interested in the subject matter or outcome thereof.

22 Dated at York, Pennsylvania this
23 day of 2021.

24 *Emberlin Mair*
25 Emberlin Mair, Notary Public

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